

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

HWS, LLC,

Plaintiff,

V.

BWE INC., ET AL.,

Defendants.

Civil Action No. 1:23-cv-1289

ORDER

This matter is before the Court on Plaintiff HWS, LLC’s Amended Motion for Default Judgment (the “Motion”), [Doc. No. 18], pursuant to Rule 55(b) of the Federal Rules of Civil Procedure. On December 8, 2023, the Magistrate Judge issued a report with proposed findings of fact and recommendations, [Doc. No. 32] (the “R&R”), recommending that default judgment be entered in favor of Plaintiff and against the Defendant BWE, Inc. (“BWE”) for reimbursement under Va. Code Ann. § 46.2-1212.1. Specifically, the R&R recommends that the Court order the entry of default judgment with an award of \$104,911.64 in damages, along with prejudgment interest at a rate of six (6) percent. The R&R further recommends that the Court deny Plaintiff’s request for attorneys’ fees, in light of Plaintiff’s failure to show why the award would be reasonable or necessary. *See* [Doc. No. 32] at 13.

The Court conducted a *de novo* review of the evidence in this case and adopts and incorporates the findings and recommendations of the Magistrate Judge. Accordingly, it hereby

ORDERED that the Motion [Doc. No. 18] be, and the same hereby is, **GRANTED** in part and **DENIED** in part. It is GRANTED as to the damages and prejudgment interest sought and it

is DENIED without prejudice with respect to the request for attorneys' fees and costs; and it is further

ORDERED that any further motions for attorneys' fees and costs be filed within fourteen (14) days of this Order with any necessary supporting documentation.

The Clerk is directed to enter judgment in accordance with this Order in favor of Plaintiff pursuant to Fed. R. Civ. P. 58 and to forward copies of this Order to all counsel of record and to BWE at 1754 Forest Parkway, Morrow, GA, 30260, and to BWE's registered agent, Markesha Crossman, at 183 Radcliff Drive, McDonough, GA, 30253. The Clerk is further directed to close this case.

Alexandria, Virginia
January 3, 2023



Anthony W. Trenga
United States District Judge